



# PUBLIC NOTICE

03-5

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA  
Brenda K. Argoe, Clerk of Court



TO: Practitioners/Constituents

SUBJECT: Amendments to Federal Rules of Bankruptcy Procedure  
and Official Forms

DATE: September 26, 2003

The Judicial Conference of the United States has approved proposed amendments to the Federal Rules of Bankruptcy Procedure and the Official Bankruptcy Forms. **Barring Congressional action, these amendments will take effect December 1, 2003.**

A number of these amendments will implement the Conference policy on privacy and public access to electronic court files. The privacy amendments are consistent with the policy that documents in bankruptcy cases generally should be available electronically with the proviso that the Bankruptcy Code and Rules should be amended as necessary to allow the court to collect a debtor's full Social Security number but display only the last four digits.

**All practitioners and parties filing documents in this court should begin now to review the changes and to ensure that their offices have the correct forms available as of December 1.** They should also review any forms they have developed in their offices to be certain that any information no longer required by the rules or inconsistent with the privacy policy is deleted. **The filing party – not the clerk – is responsible for redacting** Social Security numbers and other personal identifiers such as dates of birth, financial account numbers, and names of minor children in documents filed with the court. **If documents are filed with the full Social Security number or other personal identifiers, the documents will be available electronically with all of the information they contained when filed.**

Following is a synopsis of the amendments:

- ◆ Rule 1005 amended to require debtor to list all names used in the 6 years preceding filing of the petition and to include in the caption appropriate numerical

identifiers, but to use only the last four digits of the Social Security number (SSN). (NOTE: the **full** EIN or other Tax ID Number is required.)

- ◆ Rule 1007 amended to require debtor to submit a verified statement of his or her full Social Security number. Statement is submitted, but not filed in the case and does not become a part of the court record available for review in person at the court or over the internet.
- ◆ Rule 1007 also amended to add an obligation for corporate debtors to include information regarding their owners that are also corporations.
- ◆ Rule 2002 amended to require clerk to include debtor's full SSN on the § 341 notice transmitted to the debtor, the trustee, the United States trustee, and creditors. The copy of the § 341 notice that becomes part of the court record will not contain the full number.
- ◆ Rule 2003 amended to reflect enactment of a new subchapter V of chapter 7 of the Bankruptcy Code that makes multilateral clearing organizations eligible for bankruptcy relief.
- ◆ Rule 2009 amended to reflect enactment of a new subchapter V of chapter 7 of the Bankruptcy Code that makes multilateral clearing organizations eligible for bankruptcy relief.
- ◆ Rule 2016 amended to implement amendments to 11 U.S.C. § 110(h)(1).
- ◆ Rule 7007.1 is added to require parties in adversary proceedings to disclose corporate entities that own 10% or more of the stock of the party.
- ◆ Official Form 1 (Voluntary Petition) amended to require debtor to disclose only the last four digits of debtor's SSN. (NOTE: Pursuant to §110(c) of the Bankruptcy Code, the certification by a non-attorney bankruptcy petition preparer continues to require the full SSN of the individual who actually prepares the document).
- ◆ Official Form 3 (Application and Order to Pay Filing Fee in Installments requires a petition preparer to provide the full SSN of the individual who actually prepares the document pursuant to §110(c) of the Bankruptcy Code. **Note: Use South Carolina Local Official Form 1006-1 in this district in lieu of Official Form 3.**
- ◆ Official Form 5 amended to require petitioner to disclose only the last four digits of debtor's SSN, and to delete the request for information concerning the "Type of Business" as this data is no longer collected for statistical purposes.
- ◆ Official Form 6 (Schedules) – Schedule D (Creditors Holding Secured Claims), E (Creditors Holding Unsecured Priority Claims) and F (Creditors Holding Unsecured Nonpriority Claims) amended to require disclosure of only the last four digits of the debtor's account number with each listed creditor. Schedule I (Current Income of Individual Debtor(s)) amended to provide greater privacy to minors and other dependents of the debtor by deleting the requirement that the debtor disclose their names.

- ◆ Official Form 7 (Statement of Financial Affairs) amended to require debtor to disclose only the last four digits of the SSN. Also, items requiring the listing of any account number have been amended to specify that only the last four digits must be disclosed.
- ◆ Official Form 8 (Chapter 7 Individual Debtor's Statement of Intention) amended to clarify that pursuant to §110(c) of the Bankruptcy Code, the certification by a non-attorney bankruptcy petition preparer continues to require the full SSN of the individual who actually prepares the document.
- ◆ Official Form 9A - 9I (Notice of Commencement of Case under the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates) amended to require the copy of the notice placed in the case file to disclose only the last four digits of the SSN. The copy of the notice transmitted to the debtor, the trustee, the United States trustee, and creditors will contain the full SSN.
- ◆ Official Form 10 (Proof of Claim) amended to require a wage, salary, or other compensation creditor to disclose only the last four digits of the creditor's SSN. A trustee can request the full information necessary for tax withholding and reporting at the time the trustee makes a distribution to creditors.
- ◆ Official Form 16A (Caption (Full)) amended to include only the last four digits of the debtor's SSN.
- ◆ Official Form 16C (Caption of Complaint in Adversary Proceeding Filed by a Debtor) abrogated. The debtor is advised of the statutory basis for requiring disclosure of the SSN. Section 342(c) of the Code requires a debtor to provide the debtor's SSN on any notice furnished to creditors by the debtor. A complaint, accompanied by a Summons and served on a defendant functions as notice of the commencement of an adversary proceeding.
- ◆ Official Form 19 (Certification and Signature of Non-Attorney Bankruptcy Petition Preparer) amended to clarify that pursuant to §110(c) of the Bankruptcy Code, the certification by a non-attorney bankruptcy petition preparer continues to require the full SSN of the individual who actually prepares the document.